

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN LEWIS,
Petitioner,

v.

WARDEN,
Respondent.

Case No. 5:23-cv-06274 EJD (PR)

ORDER OF TRANSFER

Petitioner, a state prison proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state conviction out of the Delano, which lies within Kern County. Dkt. No. 1 at 2.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction or sentencing. See Habeas L.R. 2254-3(b)(1); Dannenberg v. Ingle, 31 F.Supp. 767, 768 (N.D. Cal. 1993); Laue v. Nelson, 279 F.Supp. 265, 266 (N.D. Cal. 1968).

Petitioner is currently confined at CSP-Sacramento in Sacramento County, and his conviction was out of Kern County. Dkt. 1 at 2. Sacramento County and Kern County both lie within the venue of the Eastern District of California. See 28 U.S.C. § 84(b).

Therefore, venue properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a).

The Clerk shall terminate all pending motions and transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.

Dated: January 29, 2024


EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California